

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

CHAPTER 13 SELF-CALENDARING PROCEDURE

In conjunction with this court's implementation of CM/ECF, the court will permit the standing chapter 13 trustees and attorneys appearing on behalf of parties in chapter 13 cases to utilize a self-calendaring procedure for the scheduling of all non-emergency matters on the assigned judge's chapter 13 motion/confirmation hearing calendar (see AO 05-2 "Implementation of CM/ECF System"). This procedure will allow attorneys to self-select available dates and times from the judge's calendar and serve notice by including the pre-selected hearing information in the motion or other document for which relief is requested. The list of each judge's motion/confirmation hearing dates and times are posted on the court's website at www.flsb.uscourts.gov and at the chapter 13 trustee's websites: www.ch13herkert.com and www.ch13weiner.com

In order to utilize this procedure, trustee or attorney must follow the self-calendaring guidelines set forth below:

1. ***Selecting a hearing date:*** Select a date, time and location from the assigned judge's regularly scheduled chapter 13 hearing calendar. The date selected must comply with the applicable noticing requirements set forth in the federal and local bankruptcy rules and must allow for at least 10 days notice of the motion and hearing to all interested parties.

Note: Hearing dates and times vary by judge and trustee so make certain to verify the appropriate calendar date and time for each judge and trustee prior to calendaring any event.

2. ***Emergency motions:*** This self-calendaring procedure may not be used to set emergency motions. Emergency motions require judicial review and will be set for hearing by the judge's courtroom deputy. All emergency motions must be filed in accordance with Local Rule 9075-1 and a paper copy of the document must be provided for the judge accompanied by the "red" emergency cover sheet (see Administrative Orders 04-11 and 05-2).
3. ***Preparing the hearing document:*** The hearing information must be printed prominently (**in bold or highlighted**) in the **first** paragraph of the motion or other document for which relief is being requested so as to make it more prominent than any other typed text, and the title of the document must include **"And Notice of Hearing"** (Example):

Motion to Modify Plan and Notice of Hearing

**NOTICE IS HEREBY GIVEN that a hearing will be held on debtor's
Motion to Modify Plan on _____ at _____.m., in Courtroom #1406,
Claude Pepper Federal Building, 51 S.W. First Avenue, Miami, FL 33130.**

The motion must also include a certificate of service listing who was served and the manner of service (e.g., “The following parties were served by U.S. Mail; the following parties were served via the Notice of Electronic Filing”); (see also Administrative Order 05-2).

4. ***Motions for Relief from Stay***: If a motion for relief from stay is set by a party in accordance with the self-calendaring procedure and the next available hearing date is more than 30 days after the date the motion is filed, the movant will be deemed to have consented to voluntarily waiving the 30-day limitation established by 11 U.S. C. Sec. 362(e) (see Administrative Order 05-2).
5. Once a matter is set using the self-calendaring procedure and notice served on interested parties, continuances may only be granted by court order. The parties must appear at the hearing unless an order has been entered **(at least 2 days prior to the hearing)** continuing the hearing or the motion is withdrawn **(at least 2 days before the hearing)**.

Notwithstanding this requirement, any matter continued at the hearing may be continued by notice or court order pursuant to the court’s instructions.

6. If a matter is not properly calendared with the correct date or time, the trustee or the clerk may docket a “Chapter 13 Trustee’s Notice of Hearing Deficiency” and the matter will be removed from the incorrect chapter 13 calendar. It is the sole responsibility of the registered user to timely file an amended motion and notice of hearing containing the correct hearing date and time.